

Rec'd PCT/PTO 31 JUL 2006

July 31, 2006

TO: Commissioner for Patents  
Attn: BARBARA A. CAMPBELL  
PCT Legal Administration  
Facsimile Center  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX NUMBER: 703-305-3230

FROM: The Luther Law Firm, PLLC

OUR REF: ABU-001PCTUS\* Please deliver to Examiner Barbara A. Campbell

Document(s) Transmitted: 2d Transmittal Letter to the US Elected Office Concerning a 371 Submission (3 pages); Response to 371 Formalities Letter (1 page); Credit Card Payment Form PTO-2038 (1 page); Notification of Insufficient Fees (2 pages); and Written Opinion dated 31 August 2006 (3 pages).

Total pages of this transmission, including cover letter: 11 pgs.  
If you do NOT receive all of the pages described above, please telephone us at 480-275-8302, or fax us at 480-275-8303.

In re. Patent Application of: Glen WardSerial No.: ~~10/551,221~~ 10/551,121Filed: 03/24/2003Title: Hot Food Vending MachineExaminer: Barbara A. Campbell

Group Art Unit:

Docket No.: ABU-001PCTUS

By: Barbara J. Luther  
Name: Barbara J. Luther  
Reg. No.: 33,954

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Barbara J. Luther  
Barbara J. Luther

Date of Transmission: 7/31/06

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PTO-1380 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0661-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>ABU-001PCTUS</b>
INTERNATIONAL APPLICATION NO. <b>US04/009423</b>	INTERNATIONAL FILING DATE <b>March 24, 2004</b>	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/551,121</b>
TITLE OF INVENTION <b>HOT FOOD VENDING MACHINE</b>		PRIORITY DATE CLAIMED <b>March 24, 2003</b>
APPLICANT(S) FOR DO/EO/US <b>Glen Ward</b>		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Page 1 of 3

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PTO-1390 (Rev. 07-2005)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/551,121		US04/009423		ABU-001PCTUS	

20. Other items or information:  
**Response**  
Notification of Insufficient Fees (EO/EO/US)  
**Written Opinion**

The following fees have been submitted				CALCULATIONS		PTO USE ONLY	
21.	<input checked="" type="checkbox"/>	Basic national fee (37 CFR 1.492(a)).....	\$300	\$ 300			
22.	<input checked="" type="checkbox"/>	Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$ 0			
All other situations.....				\$200			
23.	<input checked="" type="checkbox"/>	Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$ 0			
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....				\$100			
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....				\$400			
All other situations.....				\$500			
<b>TOTAL OF 21, 22 and 23 =</b>				300			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE				
- 100 =	/50 =		x \$250	\$			
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 0.00			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$			
Total claims	5 - 20 =		x \$ 50	\$	0.00		
Independent claims	2 - 3 =		x \$200	\$	0.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	0.00		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	300.00		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				150.00			
<b>SUBTOTAL =</b>				\$	150.00		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$		
<b>TOTAL NATIONAL FEE =</b>				\$	150.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$		
<b>TOTAL FEES ENCLOSED =</b>				\$	0.00		
				Amount to be refunded:	\$		
				Amount to be charged	\$		

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0861-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. *Only if necessary*

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

## SEND ALL CORRESPONDENCE TO:

The Luther Law Firm  
12198 E. Columbine Dr.  
Scottsdale, AZ 85259  
Tel: 480-275-8302  
Fax: 480-275-8303

Barbara J. Luther 7/31/06  
SIGNATURE

Barbara J. Luther  
NAME

33,954  
REGISTRATION NUMBER

S/NPATENTIN THE USPTO AS AN ELECTED OFFICE

Applicant:	Glen Ward	Examiner:	Unknown
Serial No.:	10/551,121	Group Art Unit:	3653
Filed:	September 23, 2005	Docket No:	ABU-001PCTUS
Title:	Hot Food Vending Machine	Due Date:	July 31, 2006

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RESPONSE TO 371 FORMALITIES LETTER

Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

The enclosed Notification of Insufficient Fees was mailed on May 30, 2006. On July 31, 2006 (within two months), Applicant hereby files this response. A total of \$150.00 (small entity fee) for the Basic National Fee was paid with the filing of the application. The Notification stated that both an Examination fee and Search fee were due with a surcharge. However, the undersigned believes that no additional fees are due because the Written Opinion dated 31 August 2005 found all the claims patentable under PCT Article 33(1)-(4). Please see attached copy of the Written Opinion. Therefore, the undersigned believes that no fees are due at this time. Should it be found that a payment is required, Applicant has enclosed PTO-2038 for the requested \$215.00.

In the priority PCT application, the claims were all found to be patentable. The Applicant respectfully requests that a Notice of Allowance be issued forthwith. If it would clarify points or otherwise further prosecution, the undersigned invites the Office to call at any time.

Respectfully Submitted,

Date July 31, 2006

The Luther Law Firm  
12198 E. Columbine Dr.  
Scottsdale, AZ 85259  
Tel: 480-275-8302  
Fax: 480-275-8303

By



Barbara J. Luther  
Reg. No. 33,954

Enclosure: Written Opinion (3 pages)

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,121	Glen Ward	ABU-001PCTUS

INTERNATIONAL APPLICATION NO.
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PCT/US04/09423

LA. FILING DATE	PRIORITY DATE
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03/24/2004

03/24/2003

51951

THE LUTHER LAW FIRM  
 12198 E. COLUMBINE DR.  
 SCOTTSDALE, AZ 85259

CONFIRMATION NO. 4088

371 FORMALITIES LETTER



\*OC000000018990297\*

Date Mailed: 05/30/2006

## Notification of Insufficient Fees (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/23/2005
- Copy of the International Search Report filed on 09/23/2005
- Preliminary Amendments filed on 09/23/2005
- Information Disclosure Statements filed on 09/23/2005
- Oath or Declaration filed on 09/23/2005
- Request for Immediate Examination filed on 09/23/2005
- U.S. Basic National Fees filed on 09/23/2005
- Priority Documents filed on 09/23/2005
- Power of Attorney filed on 09/23/2005
- Specification filed on 09/23/2005
- Claims filed on 09/23/2005
- Abstracts filed on 09/23/2005
- Drawings filed on 09/23/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$215 for a Small Entity:

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- **\$65 Surcharge.**

- The application search fee has not been paid. Applicant must submit **\$50** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,121	PCT/US04/09423	ABU-001PCTUS

FORM PCT/DO/EO/923 (371 Formalities Notice)

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